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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

Case No. 2008-146

13 **KIMBERLY KAYE KEEN**
180 Deep Canyon Drive
14 Whitney, Texas 76692

DEFAULT DECISION
AND ORDER

15 Registered Nurse License No. RN 594317

[Gov. Code, §11520]

16 Respondent.
17

18 **FINDINGS OF FACT**

19 1. On or about October 24, 2007, Complainant Ruth Ann Terry, M.P.H.,
20 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing
21 ("Board"), Department of Consumer Affairs, filed Accusation No. 2008-146 against
22 Kimberly Kaye Keen ("Respondent") before the Board.

23 **License History**

24 2. On or about February 5, 2002, the Board issued Registered Nurse License
25 Number RN 594317 to Respondent. The license expired on November 30, 2007.

26 3. On or about November 1, 2007, Araceli Mercado, an employee of the
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation
28 No. 2008-146, Statement to Respondent, Notice of Defense, Request for Discovery, and

1 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
2 with the Board, which was and is 180 Deep Canyon Drive, Whitney, Texas 76692. A copy of
3 the Accusation, the related documents, and Declaration of Service are attached as Exhibit A, and
4 are incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 5. Government Code section 11506 states, in pertinent part:

8 (c) The respondent shall be entitled to a hearing on the
9 merits if the respondent files a notice of defense, and the notice
10 shall be deemed a specific denial of all parts of the accusation not
11 expressly admitted. Failure to file a notice of defense shall
12 constitute a waiver of respondent's right to a hearing, but the
13 agency in its discretion may nevertheless grant a hearing.

14 6. Respondent failed to file a Notice of Defense within 15 days after service
15 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
16 Accusation No. 2008-146.

17 7. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of
19 defense or to appear at the hearing, the agency may take action
20 based upon the respondent's express admissions or upon other
21 evidence and affidavits may be used as evidence without any notice
22 to respondent.

23 8. Pursuant to its authority under Government Code section 11520, the Board
24 finds Respondent is in default. The Board will take action without further hearing and, based on
25 Respondent's express admissions by way of default finds that the allegations in Accusation
26 No. 2008-146 are true.

27 9. Pursuant to its authority under Government Code section 11520, the Board
28 finds Respondent is in default. The Board will take action without further hearing and, based on
Respondent's express admissions by way of default and the evidence before it, contained in
Exhibits A and B, finds that the allegations in Accusation No. 2008-47 are true.

10. The total costs for investigation and enforcement are \$808.00 as of
January 25, 2008.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Kimberly Kaye Keen
3 has subjected her Registered Nurse License Number RN 594317 to discipline.

4 2. A copy of the Accusation is attached.

5 3. The agency has jurisdiction to adjudicate this case by default.

6 4. The Board is authorized to revoke Respondent's Registered Nurse License
7 based upon Business and Professions Code section 2761, subdivision (a)(4), unprofessional
8 conduct, in that Respondent's Texas registered nurse license and vocational nursing license were
9 disciplined by the Board of Nurse Examiners for the State of Texas.

10 **ORDER**

11 IT IS SO ORDERED that Registered Nurse License No. RN 594317 heretofore
12 issued to Respondent Kimberly Kaye Keen, is revoked.

13 Pursuant to Government Code section 11520, subdivision (c), Respondent may
14 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
15 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
16 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
17 statute.

18 This Decision shall become effective on June 2, 2008.

19
20 It is so ORDERED May 1, 2008

21 *LaTranene W Tate*

22 FOR THE BOARD OF REGISTERED NURSING
23 DEPARTMENT OF CONSUMER AFFAIRS

24
25 Attachments:

26 Exhibit A: Accusation No.2008-146, Related Documents, and Declaration of Service
27 Exhibit B: Costs of Suit

28 DOJ docket number:SA2007102151
10422559.wpd

Exhibit A

Accusation No. 2008-146
Related Documents and Declaration of Service

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART, State Bar No. 083047
Supervising Deputy Attorney General
3 California Department of Justice
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5 Telephone: (916) 327-6819
Facsimile: (916) 324-5567

6 Attorneys for Complainant
7
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2008-146

14 **KIMBERLY KAYE KEEN**
180 Deep Canyon Drive
15 Whitney, Texas 76692

ACCUSATION

16 Registered Nurse License No. RN 594317

17 Respondent.
18

19 Ruth Ann Terry, M.P.H, R.N ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 **License History**

25 2. On or about February 5, 2002, the Board issued Registered Nurse License
26 Number RN 594317 ("license") to Kimberly Kaye Keen ("Respondent"). The license will expire
27 on November 30, 2007, unless renewed.

28 ///

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 **CAUSE FOR DISCIPLINE**

4 **(Out-of-State Discipline)**

5 8. Respondent is subject to disciplinary action under Code section 2761,
6 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's Texas
7 registered nurse license and vocational nursing license were disciplined by the Board of Nurse
8 Examiners for the State of Texas ("Texas Board"), as follows:

9 a. In the case entitled, *In the Matter of Registered Nurse License Number*
10 *702185 and Vocational Nurse License Number 170793 issued to Kimberly Kaye Keen*, pursuant
11 to the Agreed Order, Findings of Fact, and Conclusions of Law, Respondent voluntarily
12 surrendered her licenses to the Texas Board, effective March 22, 2006. The circumstances of the
13 disciplinary action are that on January 26, 2006, February 1, 2006, and February 6, 2006, while
14 employed at Lake Whitney Medical Center in Whitney, Texas, Respondent submitted to separate
15 drug screenings on each date. The results of which were all positive for Marijuana, a controlled
16 substance. A copy of the Order is attached as Exhibit A and incorporated herein.

17 b. In the case entitled, *In the Matter of Registered Nurse License Number*
18 *702185 and Vocational Nurse License Number 170793 issued to Kimberly Kaye Keen*, pursuant
19 to the Agreed Order, Findings of Fact, and Conclusions of Law, Respondent received a sanction
20 of a Reprimand with Stipulations and was ordered to comply with the Texas Board's Nursing
21 Practice Act, effective September 13, 2005. A copy of the Order is attached as Exhibit B and
22 incorporated herein.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 4 1. Revoking or suspending Registered Nurse License Number RN 594317
5 issued to Kimberly Kaye Keen;
6 2. Ordering Kimberly Kaye Keen to pay the Board the reasonable costs of the
7 investigation and enforcement of this case pursuant to Code section 125.3; and,
8 3. Taking such other and further action as deemed necessary and proper.
9

10 DATED: 10/27/07
11

12 Elliott Hochberg for
13 RUTH ANN TERRY, M.P.H, R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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EXHIBIT A

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse	§	
License Number 702185 and Vocational	§	AGREED
Nurse License Number 170793	§	
issued to KIMBERLY KAYE KEEN	§	ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 702185, and Vocational Nurse License Number 170793, issued to KIMBERLY KAYE KEEN, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Nursing from McLennan Community College, Waco, Texas, on December 18, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on January 28, 1999. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 15, 2001. Respondent was licensed to practice professional nursing in the State of Texas on January 26, 2004.

5. Respondent's vocational and professional nursing employment history includes:

1998 - 11/05	Unknown	
11/05 - 2/06	Staff Nurse	Lake Whitney Medical Center Whitney, Texas

6. On September 13, 2005, Respondent's licenses to practice vocational and professional nursing were issued the sanction of a Reprimand with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the September 13, 2005, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On or about January 26, 2006, while employed with Lake Whitney Medical Center, Whitney, Texas, Respondent engaged in the intemperate use of Marijuana in that she produced a specimen for a drug screen which resulted positive for Marijuana. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Marijuana by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about February 1, 2006, while employed with Lake Whitney Medical Center, Whitney, Texas, Respondent engaged in the intemperate use of Marijuana in that she produced a specimen for a drug screen which resulted positive for Marijuana. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Marijuana by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about February 6, 2006, while employed with Lake Whitney Medical Center, Whitney, Texas, Respondent engaged in the intemperate use of Marijuana in that she produced a specimen for a drug screen which resulted positive for Marijuana. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Marijuana by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. On February 21, 2006, Respondent submitted her licenses to practice professional and vocational nursing to the Board.

11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her licenses to practice professional and vocational nursing in the State of Texas.
12. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(1), (9), and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) and 11(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 702185, and Vocational Nurse License Number 170793, heretofore issued to KIMBERLY KAYE KEEN, including revocation of Respondent's professional and vocational licenses to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 702185, and Vocational Nurse License Number 170793, heretofore issued to KIMBERLY KAYE KEEN, to practice nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional or vocational nursing, use the title "registered or vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying herself as a registered or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered or vocational nurse during the period in which the licenses are surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

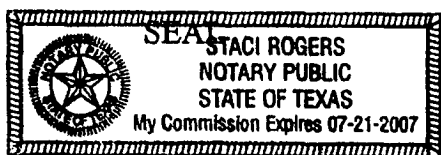
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 10th day of March, 2006.

Kimberly Kaye Keen
KIMBERLY KAYE KEEN, Respondent


Sworn to and subscribed before me this 10th day of March, 2006.



Staci Rogers
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of Registered Nurse License Number 702185, and Vocational Nurse License Number 170793 previously issued to KIMBERLY KAYE KEEN.

Effective this 22nd day of March, 2006.


Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

I certify this to be a true copy of the records on file with the Board of Nurse Examiners for the State of Texas.

Date: 9-16-06

Signed: Beth May, Admin. Asst. II

EXHIBIT B

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse	§	AGREED
License Number 702185 and	§	
Vocational Nurse License	§	ORDER
Number 170793	§	
issued to KIMBERLY KAYE KEEN	§	

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of KIMBERLY KAYE KEEN, Registered Nurse License Number 702185, and Vocational Nurse License Number 170793, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on May 22, 2005, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.

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4. Respondent completed a Vocational Nursing Program at McLennan Community College, Waco, Texas, on December 18, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on January 28, 1999. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 15, 2001. Respondent was licensed to practice professional nursing in the State of Texas on January 26, 2004.
5. Respondent's complete nursing employment history is unknown.
6. On or about October 21, 1995, Respondent was arrested by the Arlington Police Department, Arlington, Texas, for "Possession of Marijuana <=5lbs>4oz," a State Jail Felony. On December 9, 1996, Respondent plead guilty and was convicted of "Possession of Marijuana 2-4 ounces," a Class A Misdemeanor, in the Tarrant County, Texas, Criminal District Court Number Two, Cause No. 0609819A. Respondent was sentenced to confinement in the Tarrant County Jail for a period of thirty (30) days, and assessed court costs in the amount of one hundred thirty-seven dollars (\$137.00)
7. On or about November 16, 1998, Respondent submitted an Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information in that she answered "no" the following question"

"Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

On December 9, 1996, Respondent plead guilty and was convicted of "Possession of Marijuana 2-4 ounces," a Class A Misdemeanor, in the Tarrant County, Texas, Criminal District Court Number Two, Cause No. 0609819A.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 302.402(a)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(8),(28)&(29)(A)(iv).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 702185, and Vocational Nurse License Number 170793, heretofore issued to KIMBERLY KAYE KEEN, including revocation of Respondent's license to practice professional and vocational nursing in the State of Texas.

500P LEB 51 VW 1: 51

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional and vocational nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized licenses issued to KIMBERLY KAYE KEEN, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for

the course to be approved, the target audience shall include Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of

entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE OR LICENSED VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in professional and/or vocational nursing of this Order of the Board and the stipulations on RESPONDENT's licenses. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional and/or vocational nursing of this Order of the Board and the stipulations on RESPONDENT's licenses. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

5002 LEB 51 VII 1:54

(6) RESPONDENT SHALL CAUSE each present employer in professional and/or vocational nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order.

RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional and/or vocational nurse.

(7) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice professional and/or vocational nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional and/or vocational nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except

as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's

policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

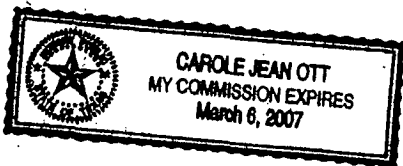
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23rd day of July, 2005
Kimberly Kaye Keen
KIMBERLY KAYE KEEN, Respondent

Sworn to and subscribed before me this 23rd day of July, 2005.

SEAL


Carole Jean Ott
Notary Public in and for the State of Texas



5002 LEB S1 VN 1:54

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of July, 2005, by KIMBERLY KAYE KEEN, Registered Nurse License Number 702185, and Vocational Nurse License Number 170793, and said Order is final.

Effective this 13th day of September, 2005.


Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

certify this to be a true copy of the
records on file with the Board of Nurse
Examiners for the State of Texas.

Date: 2-10-06

Signed: Beth May

500P LEB SI VH 1: SP